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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,182	12/01/2003	Ko-Chuan Chen		1348

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EXAMINER

HWANG, VICTOR KENNY

- ART UNIT PAPER NUMBER

3764

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/724,182	CHEN ET AL.	
	Examiner	Art Unit	
	Victor K. Hwang	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Taiwan on April 12, 2002. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.
2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on April 12, 2002. It is noted, however, that applicant has not filed a certified copy of the Taiwan application as required by 35 U.S.C. 119(b).

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "472" shown in Fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 15-17 are objected to because of the following informalities: in claim 15, the recitation "the two spaced foot supports" lacks antecedent basis and presumably, the claim should depend from claim 14 to provide the required antecedent basis. Claims 16 and 17 depend from claim 15, and are likewise objected to. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 3, 5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by *Willis et al.* 9US Pat. App. Pub. No. 2002/0137606 A1). *Willis et al.* discloses a base 8; two upright elastic bars 21 each mounted on the base; a bracket 12 mounted on the two elastic bars and including a substantially U-shaped support portion 26 mounted on the two elastic bars; and a push bar 7 mounted on a mediate portion of the bracket 12. The base 8 includes two support plates 9,10 pivotally connected with each other by two hinges 13, so that the base is foldable. The base 8 is provided with two mounting tubes 24, and each of the two elastic bars 21 is mounted on a respective one of the two mounting tubes of the base and includes a first connecting tube 22 having a first end mounted on a respective one of the two mounting tubes of the base, an elastic member 21 having a first end mounted on a second end of the first connecting tube 22, a second connecting tube 25 having a first end mounted on a second end of the elastic member, and a protective jacket 30 mounted on the elastic member 21. The protective jacket 30 has a first end encompassing the second end of the first connecting tube 24 and a second end

encompassing the first end of the second connecting tube 25. The bracket 12 further includes two spaced foot supports each mounted on the support portion.

6. Claims 1, 3, 4, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by *Prandi* (FR 2,550,948 A1). *Prandi* discloses a base 2; two upright elastic bars 4 each mounted on the base; a bracket 1 mounted on the two elastic bars and including a substantially U-shaped support portion 1 mounted on the two elastic bars; and a push bar 6 mounted on a mediate portion of the bracket 1. The base 2 is provided with two mounting tubes 7,16 and each of the two elastic bars 4 is mounted on a respective one of the two mounting tubes of the base and includes a first connecting tube 14 (Fig. 4) having a first end mounted on a respective one of the two mounting tubes of the base, an elastic member 4 having a first end mounted on a second end of the first connecting tube 14, a second connecting tube 14 (Fig. 3) having a first end mounted on a second end of the elastic member, and a protective jacket 3 mounted on the elastic member 4. The first end of the first connecting tube is formed with an insert inserted into the respective mounting tube of the base. The protective jacket 3 has a first end encompassing the second end of the first connecting tube 14 and a second end encompassing the first end of the second connecting tube 14. The support portion of the bracket 1 has two distal ends each formed with a bent connecting section adjustably inserted into a second end of the second connecting tube of a respective one of the two elastic bars.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chen* (US Pat. 6,616,580 B1) in view of *He* (US Pat. App. Pub. No. 2003/0125171 A1). *Chen* '580 discloses a base 10; two upright elastic bars 23 each mounted on the base; a bracket 40 mounted on the two elastic bars and including a substantially U-shaped support portion mounted on the two elastic bars. The base includes two support plates 13,14 pivotally connected with each other by two hinges 16, so that the base is foldable.

The base 10 is provided with two mounting tubes 11,12 and each of the two elastic bars is mounted on a respective one of the two mounting tubes of the base and includes a first connecting tube 25 having a first end mounted on a respective one of the two mounting tubes of the base, an elastic member 23 having a first end mounted on a second end of the first connecting tube, a second connecting tube 24 having a first end mounted on a second end of the elastic member, and a protective jacket 21 mounted on the elastic member 23. The first end of the first connecting tube is formed with an insert 222 inserted into the respective mounting tube of the base. The protective jacket has a first end encompassing the second end of the first connecting tube 22 and a second end encompassing the first end of the second connecting tube 24.

The support portion of the bracket has two distal ends each formed with a bent connecting section 41 adjustably inserted into a second end of the second connecting tube 24 of a

respective one of the two elastic bars. The connecting section of the bracket is formed with a through hole 122, the second end of the second connecting tube of each of the two elastic bars is formed with a holes 242, and the bracket further includes two substantially V-shaped positioning members 44 each mounted in the respective connecting section of the bracket and each includes a positioning head 442 extended through the through hole of a respective connecting section of the bracket and selectively inserted into holes of the second connecting tube of a respective one of the two elastic bars, so that the bracket is secured on the elastic bars. Each of the two positioning members 44 includes an elastic plate having a first end mounted on the positioning head and an urging plate having a first end mounted on a second end of the elastic plate and a second end urged on an inner wall of the respective connecting section of the bracket. The bracket includes two spaced foot supports 43 each mounted on the support portion.

Chen'580 does not disclose a push bar mounted on a mediate portion of the bracket (claim 1); the push bar including a tubular connecting seat mounted on the support portion of the bracket, an extension having a first end mounted on the connecting seat, and a substantially T-shaped handle having a first end adjustably mounted on a second end of the extension and a second end provided with a grip (claim 9); the connecting seat formed with a screw bore and the first end of the extension formed with an outer thread screwed into the screw bore of the connecting seat (claim 10); the first end of the handle is formed with a through hole, the second end of the extension is formed with a plurality of adjusting holes, and the push bar further includes a positioning pin mounted in the first end of the handle and having a first end extended through he through hole of the handle and selectively inserted into either one of the adjusting holes of the extension, so that the handle is secured to the extension (claim 11); the positioning

pin has a second end formed with an enlarged abutment rested on an inner wall of the first end of the handle, and the push bar further includes a substantially V-shaped elastic wire mounted in the first end of the handle and having a first section formed with a connecting position connected to the abutment of the pin and a second section formed with an elastic urging portion urged on the inner wall of the first end of the handle (claim 12); and the second end of the second connecting tubes formed with a plurality of adjusting hole (claim 7).

He discloses a push bar mounted to the mediate portion of a foot supporting bracket 30. The push bar includes a tubular connecting seat mounted on the support portion of the bracket 30, an extension 21,22a having a first end mounted on the connecting seat, and a substantially T-shaped handle 40 having a first end 22b adjustably mounted on a second end of the extension and a second end provided with a grip 45; the connecting seat formed with a screw bore and the first end of the extension formed with an outer thread screwed into the screw bore of the connecting seat; the first end of the handle is formed with a through hole 25, the second end of the extension is formed with a plurality of adjusting holes 23, and the push bar further includes a positioning pin 27 mounted in the first end of the handle and having a first end extended through the through hole of the handle and selectively inserted into either one of the adjusting holes of the extension, so that the handle is secured to the extension; the positioning pin has a second end formed with an enlarged abutment rested on an inner wall of the first end of the handle, and the push bar further includes a substantially V-shaped elastic wire mounted in the first end of the handle and having a first section formed with a connecting position connected to the abutment of the pin and a second section formed with an elastic urging portion urged on the inner wall of the first end of the handle.

The push bar can also be considered to include a substantially U-shaped connecting seat mounted on the support portion of the bracket 30 and located between the two foot supports 36 and a substantially T-shaped handle 40 mounted on the connecting seat (claim 15); the connecting seat having a connecting plate, two spaced catch plates formed on the connecting plate, and a mounting opening formed between the two catch plates (claim 16); and the handle having a first end mounted on the connecting plate of the connecting seat and a second end provided with a grip 45 (claim 17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mediate portion of the foot supporting bracket of *Chen*'580 with the push bar of *He*, since *He* discloses that the push bar can assist a user in performing various exercises. It would also have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second end of the second connecting tubes of *Chen*'580 with a plurality of adjusting holes, since *He* shows that a plurality of holes allows for adjusting the dimensions of a device to suit the needs of a user.

9. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chen* (US Pat. 6,616,580 B1) in view of *He* (US Pat. App. Pub. No. 2003/0125171 A1) as applied to claim 1 above, and further in view of *Chen* (US Pat. 5,839,995). *Chen*'580 in view of *He* discloses the invention as claimed except for at least two opposite positioning devices each mounted on the base and including a positioning plate secured on the base and formed with a mounting hole, a loop-shaped retaining member mounted on the positioning plate and having an end mounted in

the mounting hole of the positioning plate, and a fastening strap mounted on the retaining member and having two ends each provided with a snap bonding portion (claim 14).

Chen'995 discloses a multifunctional health device that is adapted for use by users confined to a wheelchair. The base is provided with at least two opposite positioning devices 118 each mounted on the base and including a positioning plate 119 secured on the base and formed with a mounting hole, a loop-shaped retaining member mounted on the positioning plate and having an end mounted in the mounting hole of the positioning plate, and a fastening strap 100 mounted on the retaining member and having two ends each provided with a snap bonding portion. The positioning devices secure a wheelchair into position relative to the exercise device so that a user in the wheelchair is able to exercise.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the base of *Chen*'580 in view of *He* with the positioning devices of *Chen*'995, in order to permit a wheelchair to be positioned relative to the device so that a user in the wheelchair is able to exercise with the device.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Swanson (US Pat. 2,223,309), *Lee* (US Pat. 5,752,901), *Lin* (US Pat. 5,772,563), *Liu* (US Pat. 6,090,023), *Chen* (US Pat. 6,220,995 B1), *Olstad* (SU Pat. 6,402,669 B1), *Parmater* (US Pat. 6,966,871 B2), *Matjacic et al.* (US Pat. 7,086,996 B2) and *Czaja* (WO 91/13654) disclose devices comprising a pair of elastic members mounted to a base.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.


The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
November 13, 2006



JACKIE TAN-UYEN HO
PRIMARY EXAMINER
11/13/06